

REMARKS

By this Amendment, claims 22, 24, 25, 27, and 29 are amended. Accordingly, claims 1-29 are pending in this application. No new matter is presented in this Amendment.

In the instant Office Action, the Patent and Trademark Office (PTO) rejects claims 22 and 25 under 35 U.S.C. §112, second paragraph, asserting that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the PTO asserts that claims 22 and 25 recite the element "said data compression engine," with insufficient antecedent basis for this element. Claims 22 and 25 have been amended to obviate this rejection. Accordingly, withdrawal of the rejection is respectfully requested.

The PTO further rejects claims 22, 25-27, and 29 under 35 U.S.C. §102(b) over U.S. Patent No. 6,069,763 to Aoki. A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. This rejection is respectfully traversed.

Independent claim 22 recites, *inter alia*, a tape drive unit, comprising a data compressor engine capable of applying compression to an incoming data stream and outputting a compressed data stream that is received by a buffer memory capable of storing the output compressed data stream. Aoki does not disclose, teach or suggest this feature.

Unlike the Applicant's apparatus, Aoki, at column 4, lines 57-64, only appears to describe a data recording device that first stores data in a FIFO memory and then compresses the output of the FIFO, before sending it to a recording head. In other words, Aoki is arranged opposite to the disclosure recited in claim 22. More specifically, the Applicant's device first compresses a data stream from a computer system and then output the compressed data stream to a buffer, whereas Aoki first buffers an input stream and it is the output of the buffer that is compressed and sent to a tape head. Nowhere does Aoki disclose the data streams and the control of these streams, as recited in claim 22.

Therefore, because Aoki does not disclose, teach or suggest each and every feature recited in claim 22, the rejection of claim 22 under 35 U.S.C. §102(b) is improper. Applicant respectfully

submits, therefore, that independent claim 22 is patentable over Aoki.

Similar to claim 22, independent claims 25, 27 and 29 recite variously, a compressed data stream that is input to a data buffer, wherein a data occupancy level of the buffer memory is operable to disable the data compression engine outputting the compressed data stream. As argued above, relative to claim 22, Aoki fails to disclose, teach, or suggest this arrangement of elements. Accordingly, claims 25, 27 and 29 are likewise patentable over Aoki.

Claim 26 depends from independent claim 25 and is likewise patentable over Aoki at least for its dependence on claim 25, as well as for additional features it recites. Withdrawal of the rejection over Aoki is respectfully requested.

The Office Action further rejects claims 23 and 24 under 35 U.S.C. §103(a) over Aoki in view of U.S. Patent No. 5,097,261 to Langdon et al. ("Langdon"). This rejection is respectfully traversed.

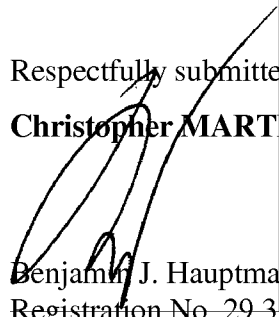
Notwithstanding any disclosure provided by Langdon in regards to a tape transport mechanism for transporting a tape data storage medium past a transducer, Applicant respectfully submits that, Langdon, in a manner similar to Aoki, fails to disclose, teach, or suggest all of the features recited in independent claim 22, from which claims 23 and 24 depend. Specifically, Langdon fails to disclose a monitoring element capable of monitoring a data occupancy level of the buffer memory and a control element capable of enabling or disabling the data compression engine, wherein the control element is operable to disable the data compression engine in response to the data occupancy level of the buffer memory being below a predetermined level.

Accordingly, since neither Aoki nor Langdon discloses, teaches or suggests each and every feature recited in independent claim 22, the rejection of dependent claims 23 and 24, under 35 U.S.C. §103(a), is improper. Applicant respectfully submits, therefore, that claims 23-24 are patentable over Aoki and Langdon, either alone or in permissible combinations. Withdrawal of the rejection over Aoki in view of Langdon is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 22-29 are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

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